

REMARKS

REMARKS/ARGUMENTS

1.) **Claim Rejections – 35 U.S.C. §103(a)**

The Examiner has rejected claims 36-70 as being unpatentable over Steinberg, *et al.* (U.S. Patent Publication No. 2004/0136324) in view of Rusch (U.S. Patent Publication No. 2003/0100308). The Applicants traverse the rejections.

Claim 36 recites

36. A method for traffic control in a communication system comprising a plurality of access networks and at least one mobile multi-access terminal, said method comprising the steps of:
receiving, at a network-based traffic control server of the communication system, access-related information from at least a subset of the access networks;
coordinating the access-related information at the traffic control server;
determining a traffic control signal through adaptive traffic control calculations based on the coordinated access-related information; and,
spreading, at a traffic control client of the multi-access terminal, traffic over the access networks in response to the traffic control signal. (emphasis added)

The Applicants' invention is directed to improved methods, and devices/systems incorporating such methods, for traffic handling in multi-access networks. The invention improves the overall performance by adaptively spreading user traffic over several access networks, and is characterized, in part, by receiving, at a networks-based traffic control server of a communication system, access-related information from at least a subset of the access networks. The access-related information is then coordinated at the traffic control server and a traffic control signal is determined through adaptive traffic control calculations. The traffic is then spread, by a traffic control client of the multi-access terminal, over the access networks in response to the traffic control signal. Steinberg and Rusch fail to teach that novel combination of functions, either individually or in combination.

The Examiner asserts that Steinberg discloses:

"receiving, at a network-based traffic control server of the communication system (Fig 1., reference 130, e.g., core network

interconnect), access-related information from at least a subset of the access networks (paragraphs [0023], [0028]);”
and,

“spreading traffic over the access networks in response to the traffic control signal (paragraphs [0028], [0047], e.g., broadcast its results to other network elements. Those network elements involved in the ultimate, overall path decision process may utilize this broadcast information in determining the optimal).” The Examiner subsequently acknowledges, however, that “Steinberg fails to specifically disclose at a traffic control client of the multi-access terminal.”

Although Steinberg relates to networks that include a plurality of access networks, coupled to a plurality of core networks, its teachings appear limited to selecting an optimal path. The Examiner has not pointed to any teaching therein of spreading traffic over the available access networks. Furthermore, the Examiner acknowledges that Steinberg “fails to specifically disclose at a traffic control client of the multi-access terminal,” which is a portion of the element of claim 35 in which the spreading function of Applicants’ invention is performed. To overcome that acknowledged deficiency in the teachings of Steinberg, the Examiner looks to the teachings of Rusch.

The Examiner asserts that Rusch discloses “a multi-channel radio controller (traffic control client) distributes traffic over the access networks in response to the traffic control signal (Fig. 1, reference 110; paragraphs [0015]-[0018], [0020]).” The Examiner mischaracterizes the teachings of Rusch. Element 110 of Figure 1 is a multi-channel radio controller. As described in paragraph [0020], “information is accumulated by controller 110 for use by wireless connectivity assistant 112,” and “[w]ireless connectivity assistant 112 may select one of the available networks for communicating based on the current network information and characteristics of the available networks . . . ” (emphasis added) Because Rusch teaches selecting one of the available networks for communicating, it does not teach spreading, or distributing, traffic over the available access networks; *i.e.*, Rusch actually teaches away from the claimed invention. Therefore, whereas Rusch fails to teach the deficiencies of Steinberg acknowledged by the Examiner, the Examiner has not established a *prima facie* case of obviousness of claim 36.

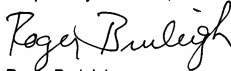
Whereas independent claims 53, 59 and 68 recite limitations analogous to those of claim 36, they are also not obvious over Steinberg in view of Rusch. Furthermore, whereas claims 37-52, 54-58, 60-67 and 69-70 are dependent from claims 36, 53, 59 and 68, respectively, and include the limitations thereof, they are also not obvious in view of those references.

CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 36-70.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

A handwritten signature in black ink that reads "Roger Burleigh". The signature is fluid and cursive, with the first name "Roger" and last name "Burleigh" clearly distinguishable.

Roger Burleigh
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